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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,178	01/16/2004	Hirotake Nozaki	118246	7250
25944 7590 06/10/2010 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
CUTLER, ALBERT H				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
06/10/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
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Office Action Summary

Application No.

10/758,178

Applicant(s)

NOZAKI ET AL.

Examiner

ALBERT H. CUTLER

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This office action is responsive to communication filed on May 14, 2010. Claims 1-4 are pending in the application. Claim 2 has been withdrawn from consideration, and claims 1, 3 and 4 have been examined by the Examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 14, 2010 has been entered.

Response to Arguments

3. Applicant's arguments filed October 16, 2009 have been fully considered but they are not persuasive.

4. The Examiner is applying different portions of the Kuno reference to meet the amended claim limitations. This is discussed in the following rejection.

5. Applicant has requested rejoinder of all claims directed to non-elected species by virtue of their dependency from the independent claims. Currently all claims are not in condition for allowance, and MPEP § 821.04 states:

"The propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention(s) should be considered for rejoinder."

6. Withdrawn claims will not be considered for rejoinder at this time.
7. Therefore, the rejection is maintained by the Examiner.

Claim Objections

8. The objection previously made to claim 1 is hereby removed in view of Applicant's response.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
10. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto et al. (US 6,774,935) in view of Kuno (US 6,067,624).

Consider claim 1, Morimoto et al. teaches:

A digital camera system (figure 7) comprising:

a first digital camera (1); and

a second digital camera (1');

the first digital camera (1) comprising:

a first input/output device (213, figure 4) that sends/receives data to and from the second digital camera (column 6, lines 12-15, column 6, line 62 through column 7, line 44);

a first plurality of operating devices (250, column 6, lines 27-31);

a first detector (211) that detects an operation of any of the first plurality of operating devices (column 6, lines 27-55); and

a second controller (211) controlling the first digital camera (1) based upon an operation any of the first plurality of operating devices (250, figure 4, column 6, lines 27-31); and

the second digital camera (1') comprising (The second digital camera is the same as the first digital camera. See figure 7, column 7, line 57 through column 11, line 45. As figure 4 shows the control system of the first digital camera (1), this is the same as the control system of the second digital camera (1'), since both cameras have the same features.):

a second input/output device (213, figure 4) that sends/receives data to and from the first digital camera (column 6, lines 12-15, column 6, line 62 through column 7, line 44);

a second plurality of operating devices (250, column 6, lines 27-31);

a second detector (211) that detects an operation of any of the second plurality of operating devices (column 6, lines 27-55);

a judgment device (211) that judges which detection result was first detected, a detection result of the second detector or a detection result of the first detector input via the second input/output device, and a first controller (211) that controls the first digital camera based upon an operation of any of the second plurality of operating devices when the judgment device judges that the detection result of the second detector was detected prior to the detection result of the first detector (See figure 8, column 7, line 45

through column 8, line 13, column 6, lines 36-38. A master camera mode can be selected by either camera, thus making the other camera a slave camera. When the plurality of operating devices (250) including UP switch (6), DOWN switch (7) and shutter button (9) are used to select the master camera mode, the current camera is set as the master camera. The controller (211) of this camera is then used to control the slave camera, column 6, lines 36-38. Therefore, if the second camera (1') chooses the master camera mode first, the first camera (1) will become the slave, and will be controlled by the controller (211) of the second camera (1'). See also column 8, line 40 through column 9, line 42.);

However, Morimoto et al. does not explicitly teach that when the first digital camera detects an instruction about taking a photograph from the first controller while the first digital camera is controlled by the second controller, the first digital camera stores the instruction about taking a photograph from the first controller, and only executes the instruction from the first controller after completion of the control of the first digital camera by the second controller.

Kuno similarly teaches a camera (11, 11a, figure 1) controlled by a first controller (13a) and a second controller (13b), column 3, lines 32-42.

However, in addition to the teachings of Morimoto et al., Kuno teaches that when the digital camera detects an instruction about taking a photograph from the first controller while the digital camera is controlled by the second controller, the first digital camera stores the instruction about taking the photograph from the first controller and only executes the instruction about taking the photograph from the first controller, which

is stored in the digital camera, after completion of the control of the digital camera by the second controller (See steps 2-7 of figure 5, column 5, line 14 through column 6, line 23. When the digital camera detects an instruction about taking a photograph from a first controller (step 2, n = 2 "camera control request", column 5, lines 4-17), the request is stored while the privilege possessing time of the top camera in a control queue is checked (step 4, column 5, lines 22-26) and a subroutine is executed to place the first controller at the top of the control queue (step 5 of figure 5 and steps 121-123 of figure 6, column 5, line 34 through column 6, line 6). Once the first controller is at the top of the camera control queue (i.e. control by the second controller is completed, step 6, column 6, lines 7-13), the stored camera control request is executed (step 7), column 6, lines 13-23.). Kuno further teaches that the instruction about taking a photograph is at least one of a zoom lens position to take the photo ("zooming or the like based on the instruction", column 6, lines 13-23).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to execute control instructions received by the first controller taught by Morimoto et al. after completion of control by the second controller as taught by Kuno for the benefit of appropriately managing control privileges of the digital camera and thus preventing operational conflicts (Kuno, column 1, lines 23-28).

Consider claim 3, and as applied to claim 1 above, Morimoto et al. further teach:

the second controller (211) is prohibited from controlling the first digital camera (1) while the first digital camera (1) is being controlled by the first controller (See column 8, lines 8-13, S201 figure 17).

Consider claim 4, and as applied to claim 1 above, Morimoto et al. further teach:

the first controller (211) is prohibited from controlling the first digital camera (1) while the first digital camera (1) is being controlled by the second controller (See column 8, lines 8-13, S201 figure 17. If the first camera (1) is the master camera, then the controller of the second camera (1') is prohibited from controlling the first camera.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sinh Tran/
Supervisory Patent Examiner, Art
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AC